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WELLS FARGO BANK, N.A.; WELLS FARGO &
COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

MONTE RUSSELL and DANIEL FRIEDMAN, on behalf of themselves and others similarly situated,

Plaintiff,

VS.

WELLS FARGO & COMPANY.

Defendants.

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**STIPULATION TO AMEND
SETTLEMENT AGREEMENT
BETWEEN PLAINTIFFS AND
DEFENDANTS**

Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through their respective counsel, hereby stipulate as follows:

1 WHEREAS, the parties previously submitted a Settlement Agreement (ECF
2 142-1), which received preliminary approval from the Court on March 26, 2010
3 (*see* ECF 152);

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5 WHEREAS, the parties have identified three additional FLSA Class
6 Members who were inadvertently omitted from the FLSA Class as described in the
7 original Settlement Agreement;

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9 WHEREAS, an amendment to the Settlement Agreement is necessary to
10 include the three previously omitted FLSA Class Members, including Suzanne
11 Honeck, Dustin Knape, and Jeffrey Telford;

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13 WHEREAS, each of the three previously omitted Class Members will be
14 treated the same as those Class Members included in the original Settlement
15 Agreement to whom they are similarly situated, and compensated accordingly;

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17 WHEREAS, all provisions of the Settlement Agreement will apply to these
18 three previously omitted Class Members with full force, as if they had been
19 included in the original Settlement Agreement; and

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21 WHEREAS, the proposed amendment should be approved by the Court for
22 the same reasons supporting the Court's approval of the original Settlement
23 Agreement (ECF 142-1) on March 26, 2010.

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1 NOW, THEREFORE, through their respective counsel, THE PARTIES
2 STIPULATE THAT THE AMENDMENT, INDIVIDUALLY, AND THE
3 SETTLEMENT AS A WHOLE, MEET ALL REQUIREMENTS FOR THIS
4 COURT'S PRELIMINARY APPROVAL, AND REQUEST THE FOLLOWING
5 ORDER:

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7 1. The parties' previously submitted Settlement Agreement (ECF 142-
8 1), which received preliminary approval from the Court on March 26, 2010 (*see*
9 ECF 152), is amended as described in the Amendment to Settlement Agreement
10 between Plaintiffs and Defendants, filed concurrently herewith. The unaffected
11 provisions of the Settlement Agreement remain approved and unchanged.

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13 2. The Amendment to the Settlement Agreement, and the proposed
14 settlement as a whole, meets all requirements for this Court's preliminary
15 approval, as set out in the Court's previously entered Order granting preliminary
16 approval of the proposed settlement (ECF 152).

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18 DATED: April 13, 2010

LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

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By: /s/ T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

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Attorneys for Plaintiffs
MONTE RUSSELL and DANIEL FRIEDMAN

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1 DATED: April 13, 2010

2 HODEL BRIGGS WINTER LLP
3 GLENN L. BRIGGS
4 THERESA A. KADING

5 By: /s/ GLENN L. BRIGGS

6 GLENN L. BRIGGS

7 Attorneys for Defendants
8 WELLS FARGO BANK, N.A.; WELLS FARGO
9 & COMPANY

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2010

CLAUDIA WILKEN
DISTRICT COURT JUDGE